

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICHARD REMSNYDER,

Plaintiff,

- against -

GANNETT CO., INC. d/b/a  
THE JOURNAL NEWS,

Defendant.

04 Civ. 2345

(CLB) (GAY)

**STIPULATION AND ORDER OF DISMISSAL  
OF PLAINTIFF'S CLAIMS WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel that all of plaintiff's claims in the complaint in the above-captioned action are dismissed, with prejudice, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. Each party shall bear his or its own costs and attorneys' fees.

Dated: September 9, 2004

GAINES, GRUNER, PONZINI  
& NOVICK LLP

By:

Steven H. Gaines, (SG 1035)

One North Broadway, 12<sup>th</sup> Floor  
White Plains, New York 10601  
(914) 288-9595

Attorneys for plaintiff

Dated: September 14, 2004

NIXON PEABODY LLP

By:

James P. O'Brien, Jr. (O 9373)

990 Stewart Avenue  
Garden City, New York 11530  
(516) 832-7500

Attorneys for defendant

SO ORDERED:

*Charles Briant*  
Charles L. Briant  
United States District Judge

Dated: September 27, 2004  
White Plains, New York

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September 24, 2004

**VIA FEDERAL EXPRESS**

Honorable Charles L. Brieant  
United States District Court for the  
Southern District of New York  
300 Quarropas Street, Room 275  
White Plains, New York 10601

**RE: Remsnyder v. Gannett Co., Inc. d/b/a The Journal News  
04 Civ. 2345 (CLB) (GAY)**

Dear Judge Brieant:

We represent defendant The Journal News, sued improperly herein as Gannett Co., Inc. d/b/a The Journal News, in the above-referenced matter.

I write to advise that this matter has settled. In this regard, I've enclosed a fully-executed Stipulation and Order of Dismissal. If the Stipulation and Order meets with your approval, please "so order" it, and return a copy to me in the enclosed, self-addressed, stamped envelope. Thereafter, I will forward a copy of the "so ordered" Stipulation and Order to counsel for the plaintiff.

Thank you and if you have any questions or require any additional information, I am available at the Court's convenience.

Respectfully submitted,

A handwritten signature in black ink that reads "Jan P. O'Brien". Below the signature, the name "James P. O'Brien, Jr." is printed in a smaller, sans-serif font.

Enclosure

cc: Steven H. Gaines, Esq. (attorney for plaintiff)

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